

BEST AVAILABLE COPY



P.B.5818 - Patentsaan 2
2280 HV Rijswijk (Z-H)
☎ +31 70 340 2040
TX 31651 epo nl
FAX +31 70 340 3016

Europäisches
Patentamt

Zweigstelle
in Den Haag
Forschungs-
abteilung

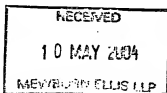
European
Patent Office

Branch at
The Hague
Search
division

Office européen
des brevets

Département à
La Haye
Division de la
recherche

Walton, Seán Malcolm
MEWBURN ELLIS,
York House,
23 Kingsway
London WC2B 6HP
GRANDE BRETAGNE



RECORDS ENT'D	✓
RECORDS SEEN
DIARY ENT'D
RENEWAL ENT'D
ALREADY ENT'D

07.05.04

Zeichen/Ref./Ref.	Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°.
SMW/PP5893557	99924316.5-2402-US9910957
Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire DUKE UNIVERSITY, et al	

COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

☒ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

The following specifications given by the applicant have been approved by the Search Division:

☒ abstract

☒ title

☐ The abstract was modified by the Search Division and the definitive text is attached to this communication.

The following figure will be published together with the abstract: NONE

REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.



BEST AVAILABLE COPY



European Patent
Office

SUPPLEMENTARY PARTIAL EUROPEAN SEARCH REPORT

Application Number

which under Rule 45 of the European Patent Convention EP 99 92 4316 shall be considered, for the purposes of subsequent proceedings, as the European search report

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.6)
P, X	<p>MOSER T EL AL: "Angiostatin binds ATP synthase on the surface of human endothelial cells" PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF USA, NATIONAL ACADEMY OF SCIENCE. WASHINGTON, US, vol. 96, no. 6, 16 March 1999 (1999-03-16), pages 2811-2816, XP002121371 ISSN: 0027-8424 * the whole document *</p>	1-12, 14-20	<p>A61K38/17 G01N33/68 A61K38/46</p>
X	<p>SIM ET AL: "A recombinant human angiostatin-protein-inhibits-experimental primary and metastatic cancer" CANCER RESEARCH, AMERICAN ASSOCIATION FOR CANCER RESEARCH, BALTIMORE, MD, US, vol. 57, no. 7, 1 April 1997 (1997-04-01), pages 1329-1334, XP002100107 ISSN: 0008-5472 * abstract * * page 1330, column 1, paragraph 4 *</p>	8,9	<p>TECHNICAL FIELDS SEARCHED (Int.Cl.6)</p> <p>G01N A61K C07K C12N</p>
<p>The supplementary search report has been based on the last set of claims valid and available at the start of the search.</p>			
<p>INCOMPLETE SEARCH</p> <p>The Search Division considers that the present application, or some or all of its claims, does/did not comply with the EPC to such an extent that a meaningful search into the state of the art cannot be carried out, or can only be carried out partially, for the following claims:</p> <p>Claims searched completely:</p> <p>Claims searched incompletely:</p> <p>Claims not searched:</p> <p>Reason for the limitation of the search:</p> <p style="text-align: center;">see sheet C</p>			
<p>Place of search:</p> <p style="text-align: center;">MUNICH</p>		<p>Date of completion of the search</p> <p style="text-align: center;">21 April 2004</p>	<p>Examiner:</p> <p style="text-align: center;">Bradbrook, D</p>
<p style="text-align: center;">CATEGORY OF CITED DOCUMENTS</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>X : particularly relevant if taken alone</p> <p>Y : particularly relevant if combined with another document of the same category</p> <p>A : technological background</p> <p>O : non-written disclosure</p> <p>P : intermediate document</p> </div> <div style="width: 45%;"> <p>T : theory or principle underlying the invention</p> <p>E : earlier patent document, but published on, or after the filing date</p> <p>D : document cited in the application</p> <p>L : document cited for other reasons</p> <p>& : member of the same patent family, corresponding document</p> </div> </div>			

3

EPO FORM 150 (3.8.2) (PREC20)



European Patent
Office

SUPPLEMENTARY PARTIAL EUROPEAN SEARCH REPORT

Application Number
EP 99 92 4316

DOCUMENTS CONSIDERED TO BE RELEVANT			CLASSIFICATION OF THE APPLICATION (Int.Cl.6)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
T	<p>MOSER TAMMY L ET AL: "Endothelial cell surface F1-FO ATP synthase is active in ATP synthesis and is inhibited by angiotatin"</p> <p>PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF THE UNITED STATES, vol. 98, no. 12, 5 June 2001 (2001-06-05), pages 6656-6661, XP002277515</p> <p>June 5, 2001</p> <p>ISSN: 0027-8424</p> <p>* the whole document *</p> <p style="text-align: center;">-----</p>		
			TECHNICAL FIELDS SEARCHED (Int.Cl.6)

BEST AVAILABLE COPY



European Patent
Office

INCOMPLETE SEARCH SHEET C

Application Number
EP 99 92 4316

Claim(s) searched completely:
1-10,12,14-20

Claim(s) searched incompletely:
11

Claim(s) not searched:
13

Reason for the limitation of the search:

Present claims 11 and 13 relate to the second medical use of a product or compound that is defined by reference to a desirable characteristic or property, namely that it is an antagonist (claim 11) or agonist (claim 13) of angiotatin.

However, in the absence of any indication as to any structural properties required for the compounds to act as antagonists or agonists, said claims are unclear (Art.84 EPC) insofar as there is no limit to the structural variation in the compounds which might act as antagonists or agonists. As such, a meaningful search over the whole of the claimed scope impossible, as it would require knowing the angiotatin (ant)agonistic activity of all known compounds that are already used in medical treatments.

Consequently, the search for claim 11 has been carried out for those parts of the claims which appear to be clear, namely wherein the antagonist is an antibody specific for either angiotatin or alpha-subunit of ATP synthase (e.g. description, Examples 5,6).

No examples of agonists of angiotatin have been identified in the application. Therefore, no search has been carried out for claim 13.